



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

GEORGIA M. PESTANA  
Corporation Counsel

PHILIP S. FRANK  
phone: (212) 356-0886  
fax: (212) 356-1148  
email: [pfrank@law.nyc.gov](mailto:pfrank@law.nyc.gov)  
(not for service)

October 3, 2021

**BY ECF & EMAIL**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007  
[Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)

**MEMO ENDORSED**

Re: *Mortimer v. Wilson*, 15 Civ. 7186 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendant Beverly Wilson, a child protective specialist at the New York City Administration for Children's Services (ACS), in the above-referenced matter.

I write to respectfully request a brief, two-day extension of time for the parties to file their pretrial submissions. By Order dated September 20, 2021 (Dkt. No. 290), the Court directed the parties to submit their pretrial submissions by tomorrow, October 3, 2021. This is the second request for such an extension, and Plaintiff's counsel consents to this request.

The reason for the requested enlargement is that two days ago, on, Friday, October 1, 2021, Plaintiff produced for the first time in this six-year litigation over 700 pages of documents that she seeks to introduce at trial. And I have not yet been able to review the documents due to difficulties in uploading the documents from plaintiff's counsel's secure file transfer platform. Although the parties had exchanged drafts of their joint pretrial order (JPTO), two days ago, Plaintiff provided her most recent draft of the JPTO, which for the first time references these newly-produced documents. The extension of time, therefore, will enable the parties to finalize their JPTO and will enable Defendant's counsel to review the new documents prior to finalizing the remaining pretrial submissions, including motions *in limine*.

Accordingly, Defendant respectfully requests that the Court grant a brief, two-day extension of time, from October 3, 2021 until October 5, 2021, for the parties to file their pretrial submissions.

Thank you for your consideration of the foregoing.

Respectfully submitted,

/s/

Philip S. Frank  
Assistant Corporation Counsel

cc: All counsel of record (by ECF)

Application GRANTED. It is the Court's understanding that the deadline for the parties' initial joint pretrial submissions was previously October 4, 2021. (See Dkt. 290). In light of the parties' request for a two-day extension of this deadline, the parties' joint pretrial submissions shall be due on or before **October 6, 2021**.

Date: October 4, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE